

**WILLIAMSBURG  
BOARD OF ZONING APPEALS  
MINUTES**

**December 3, 2002**

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, December 3 at 3:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

**ATTENDANCE**

Present were Board members Carr, Kafes, Knudson, and White. Absent was Board member Chohany. Also present were Zoning Administrator Murphy and Secretary Scott.

**CALL TO ORDER AND MINUTES**

Chairman Kafes called the meeting to order.

Mr. Carr moved that the minutes of the last meeting, November 5, 2002, be approved as submitted. The motion carried viva voce.

**PUBLIC HEARINGS**

**BZA #18-02: Request of Elliott Amick for a variance from Section 21-142 of the Zoning Ordinance to construct a single-family dwelling 21.9 feet from the rear property line instead of 25 feet. The property is located at 400 Yorkshire Drive, Williamsburg Tax Map Number 583-(03)-01-028 and is zoned Single Family Dwelling District RS-1. Approved.**

Chairman Kafes introduced the case and invited the applicant to comment.

Elliott Amick, owner/applicant, stated he would like to defer his request in order to give John and Bernice Wills, who own the lot at 209 Yorkshire Drive, but currently live in Spotsylvania, Virginia, an opportunity to personally view and discuss the proposed change. In a letter to the Zoning Administrator, the Wills suggested that Mr. Amick request the Board of Zoning Appeals reschedule the meeting or withhold approval at this time. They added that they plan to be in Williamsburg the last week of December and can discuss the request at that time.

Board discussion points:

- Although it is not the practice of this Board to defer cases and if this deferral is granted it could present a precedent, it certainly could be done if the applicant prefers.
- Deferral might make for nicer property owner relations.
- The future is undetermined and the Wills may not be able to consider the request for next month's meeting. It was noted that the request has been on file, open for review, and Mr. Amick had prepared a packet for the Wills' review as well as calling them.

The Board decided to proceed with the request.

Mr. Amick apologized for the need to return a second time to the Board, and explained the necessity referring to the Holly Hills Design Review Board's request that he utilize more brick on both the front and side elevations, increasing the size of the house in those areas. He noted he has received letters of support of his current request from neighbors J. Douglas and Lynda L. Stitzel, 204 Yorkshire Drive; Horst and Anny Barth, 212 Yorkshire Drive; and Ken and Ada Lou Turner, 401 Yorkshire Drive.

Mr. Amick concluded his comments by saying he believes the minor change (1.6 linear feet), which only relates to one corner of the house, is not a significant deviation from the spirit in which the previous approval was granted in July, 2002.

Because there was no one in the audience, Chairman Kafes dispensed with the public hearing.

Mrs. Knudson moved that the request for a variance be approved based on fulfillment of Zoning Ordinance Section 21-97(b)1. "When a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the chapter, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property immediately adjacent thereto, the strict application of the terms of the applicable provisions of this chapter would effectively prohibit or unreasonably restrict the utilization of the property, or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter."

In addition, the motion was based on fulfillment of Zoning Ordinance Section 21-97(b)2. "No such variance shall be authorized by the board unless it finds:

- That the strict application of this chapter would produce undue hardship.

- That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.”

Mr. Carr seconded the motion.

The motion carried by roll call vote of 4-0.

Aye: Carr, Kafes, Knudson, White

No: None

Absent: Chohany

## **OLD BUSINESS**

### **Board of Zoning Appeals Rules & Procedures**

The Board asked that the requirement for Architectural Review Board approval prior to submittal to the Board of Zoning Appeals be included in the Bylaws.

Copies of the document will be sent to those Board members who do not currently have the revisions.

### **NEW BUSINESS – None**

## **OTHER**

### **Annual Report**

The Board of Zoning Appeals Annual Report was distributed to members with the notation that Mr. Kafes had perfect attendance.

Mr. Carr moved that the Annual Report be approved as submitted. Mrs. Knudson seconded the motion which carried viva voce.

There being no further business before the Board the meeting adjourned at 3:25 p.m.

Respectfully submitted,

Judy Knudson, Secretary  
Board of Zoning Appeals